

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 10-14, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-11	EX	76368583	Station Casinos, Inc.	Hohein Chapman* Bottorff	2(d)	Refusal Reversed		"LOCALS FAVORITE" [casino services]	"LOCAL FAVORITES" (in stylized lettering) [business directories for resort communities]	Gardner	No
5-11	EX	76090924	Polytechnic University	Seeherman Hairston* Drost	2(e)(4)	Refusal Reversed, but applicant required to submit disclaimer of words INSTITUTE FOR INTERDISCIPLINARY STUDIES		"THE OTHMER INSTITUTE FOR INTERDISCIPLINARY STUDIES" [educational services, namely, providing courses of instruction in the field of engineering and how scientific and technological methods affect and influence such instruction; providing courses of instruction on the impact that science and technology have on society and business; all such instruction to be provided by a college, university, or facility for higher learning, for undergraduate students, graduate students, post graduate students and faculty fellows]		Herman	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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5-11	OPP	91117623	RaceTrac Petroleum, Inc. v. ETW Corp.	Quinn Hohein* Bottorff	2(d)	Opposition Dismissed	"RACEWAY" [automobile filling station services; convenience store services; motor oil]; "RACEWAY" (and design) [retail convenience store services; automobile filling station services]	"RACE WAY" (and design) [various air powered tools, including paint guns, pop riveters, drills, wrenches, grinders, sanders, etc.; various hand tools, including hammers, punches, chisels, pry bars, wrenches, sockets, pliers, screwdrivers, files, etc.; hand-held diagnostic equipment for motor vehicles, namely, mutli-meters, timing lights, battery testers, and compression testers; mobile tool carts and mobile stands for dispensing masking paper and tape; air hoses for pneumatic tools; tool chests and tool roll cabinets]			No
5-12	EX	76277664	Gregory	Hohein Holtzman Rogers*	2(e)(4)	Refusal Affirmed		"ROGAN" [bracelets, rings, chains, and pendants; leather handbags and wallets, fabric handbags; pants, shirts, footwear]		R. Clark	Yes
5-12	EX	76364894	Agri-processors Corp.	Hanak* Holtzman Rogers	2(d)	Refusal Affirmed		"SAMSON'S KOSHER" [Kosher beef]	"SAMSON'S SAUCE" [sauces, excluding cranberry sauce and applesauce]	Adkins	No
5-13	OPP (MD)	91157129	Yahoo! Inc. v. Franklin Loufrani	Quinn Hohein Rogers [Opinion "By the Board" (Skoro)]	whether opposer's notice of opposition can be considered timely	Opposition Dismissed (Applicant's motion to dismiss granted)		"SMILEY" (and design) [a large variety of goods and services in 7 classes]			Yes

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5-13	OPP	91110328	NetSpeak Corp. v. Columbia Telecommunications Group, Inc.	Seeherman Walters Chapman*	2(d); counterclaim petition to cancel one of opposer's pleaded registrations on basis of genericness, descriptiveness, and abandonment	Opposition Dismissed; Counterclaim petition to cancel denied	"WEBPHONE" [computer software and computer hardware that enable real-time audio communication over computer networks <i>and other related goods and services</i>]	"WEBNETPHONE" [telephones and telephone accessories, namely, sound cards, integrated circuits, and modems for data and voice communication via interconnected computer networks]			No
5-13	OPP	91110915	R.C.S. Periodici S.p.A. v. Max H. Schwartz	Simms Quinn Hairston*	2(d)	Opposition Sustained	"MAX" [adult entertainment magazines; "MAX GENERATION" [general feature magazines, entertainment magazines, computer magazines, travel magazines, and technical magazines]	"MAX MAGAZINE" (and design) [magazine expressly for readers over thirty years of age featuring topics about their lifestyles and on medicine, health, and diet]			No
5-13	EX (R)	75886511	Elegant Headwear Co., Inc.	Seeherman Quinn* Holtzman	2(d); Section 6 disclaimer requirement (of words STRETCH GLOVES); requirement for information under Rule 2.61(b)	Request for Reconsideration Denied [Refusal Affirmed (based on 2(d) and Section 6 disclaimer requirement)]		"MAGIC STRETCH GLOVES" [children's gloves in the nature of one size fits all consisting of 95% acrylic spandex]	"MAGIC GLOVE" [fashion gloves for youth]	Rossman	No

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5-14	EX	76417366	Shark Abrasion Systems Pty. Ltd.	Walters* Bucher Rogers	2(d)	Refusal Affirmed		"SHARK" [earthmoving equipment, namely, mechanical excavators and loaders; ground engaging tools for use with mechanical diggers and loaders, namely, shrouds, lips, adaptors, and teeth]	"SHARK CHAIN" [chain comprising digging bits for trenching machines]	Verhosek	No
5-14	EX	75554047	Green Keepers, Inc.	Hohein* Bottorff Drost	2(e)(1); whether the matter applicant seeks to register functions as a mark for its recited goods	Refusal Affirmed on both grounds		"SIDE GRIPPING ACTION" [golf shoe cleats]		Blohm	No
5-14	EX	76424153	Nature's Rest, Inc.	Quinn Walters* Holtzman	2(e)(1)	Refusal Affirmed		"DOWNLOFT" [pillows]		Vanston	No

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